

1 TOMIO B. NARITA (SBN 156576)
2 JEFFREY A. TOPOR (SBN 195545)
3 SIMMONDS & NARITA LLP
4 44 Montgomery Street, Suite 3010
5 San Francisco, CA 94104-4816
6 Telephone: (415) 283-1000
7 Facsimile: (415) 352-2625
8 tnarita@snllp.com
9 jtopor@snllp.com

10 Attorneys for defendant
11 Asset Acceptance, LLC

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

15 JOHNNY WANG, an individual, on
16 his own behalf and on behalf of all
17 others similarly situated,

18 Plaintiff,

19 vs.

20 ASSET ACCEPTANCE, LLC, a
21 Delaware limited liability company,
22 and DOES 1-100, inclusive,

23 Defendants.
24
25
26
27
28

CASE NO.: C09-04797 SI

**STIPULATION AND PROPOSED
ORDER ALLOWING THE
FILING OF A FIRST AMENDED
COMPLAINT AND SETTING
BRIEFING SCHEDULE ON
MOTION TO DISMISS FIRST
AMENDED COMPLAINT**

The Honorable Susan Illston

1 WHEREAS on February 2, 2010, the Court issued its Order Granting in Part
2 and Denying in Part Defendant's Motion to Dismiss the Complaint (docket no. 33);

3 WHEREAS Plaintiff has elected to file a First Amended Complaint; and

4 WHEREAS Defendant has reviewed the Plaintiff's proposed First Amended
5 Complaint and plans to file a motion to dismiss it,

6 NOW THEREFORE the parties hereby stipulate and agree as follows:

7 1. Plaintiff will file his First Amended Complaint on or before April 30,
8 2010,

9 2. Defendant will file its motion to dismiss the First Amended Complaint
10 on or before May 21, 2010 and will set the motion for hearing on July 9, 2010

11 3. Plaintiff's opposition to the motion to dismiss will be filed on June 11,
12 2010, and

13 4. Defendant's reply in support of the motion to dismiss will be filed on
14 June 25, 2010.

15
16 SO STIPULATED.

17
18 DATED: April 20, 2010

SIMMONDS & NARITA LLP
TOMIO B. NARITA
JEFFREY A. TOPOR

19
20
21 By: s/Tomio B. Narita
Tomio B. Narita
Attorneys for defendant
Asset Acceptance, LLC

22
23 DATED: April 20, 2010

THE MILLS LAW FIRM
HARRY SHULMAN

24
25
26 By: s/Harry Shulman
Harry Shulman
Attorneys for plaintiff
Johnny Wang
27
28

[PROPOSED] ORDER

Pursuant to the Stipulation of the parties and good cause appearing, IT IS
HEREBY ORDERED as follows:

1. Plaintiff will file his First Amended Complaint on or before April 30, 2010,
2. Defendant will file its motion to dismiss the First Amended Complaint on or before May 21, 2010 and will set the motion for hearing on July 9, 2010
3. Plaintiff's opposition to the motion to dismiss will be filed on June 11, 2010, and
4. Defendant's reply in support of the motion to dismiss will be filed on June 25, 2010.

The initial case management conference has been continued to Friday, July 9, 2010, at 2:30 p.m.

IT IS SO ORDERED.

DATED: _____ By: _____



Hon. Susan Illston
United States District Court Judge